

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole, aka the "MORMON CHURCH" THE  
CHURCH OF JESUS CHRIST OF LATTER-  
DAY SAINTS, an unincorporated association,

Defendant.

NO. C06-0556 TSZ

ANSWER TO PLAINTIFF'S  
COMPLAINT

JURY DEMAND

I. ANSWER

The Corporation of the President of The Church of Jesus Christ of Latter-day Saints  
("Defendant"), by and through its attorneys, responds to Plaintiff's Complaint as follows:

1. Answering the General Allegations of Plaintiff's Complaint, Defendant denies the  
same.

2. Answering paragraph 2.1 of Plaintiff's Complaint, Defendant admits that Larry  
Pitsor at one time was believed to have resided in Bellevue, Washington, where it is believed his

ANSWER TO PLAINTIFF'S COMPLAINT - 1  
No. C06-0556 TSZ

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1 mother and siblings also resided. Defendant is without present knowledge or information  
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3 sufficient to form a belief as to the truth or falsity of Plaintiff's remaining allegations and,  
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5 therefore, denies the same.  
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7 3. Answering paragraph 2.2 of Plaintiff's Complaint, Defendant admits that The  
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9 Corporation of the President of The Church of Jesus Christ of Latter-day Saints is a Utah  
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11 corporation sole which is registered and operates, in the State of Washington. Except as  
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13 expressly admitted herein, any other allegations contained in said paragraph are denied.  
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15 4. Answering paragraph 3.1 of Plaintiff's Complaint, Defendant is without present  
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17 knowledge or information sufficient to form a belief as to the truth or falsity of Plaintiff's  
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19 allegations and, therefore, denies the same.  
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21 5. Answering paragraph 4.1 of Plaintiff's Complaint, Defendant admits that one of  
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23 the ecclesiastical offices of The Church of Jesus Christ of Latter-day Saints ("LDS Church") is  
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25 that of President and Prophet, and that said person possesses and exercises the authority  
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27 commensurate with that office as defined by the doctrines and beliefs of the LDS Church.  
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29 Defendant admits that the current President of the LDS Church is Gordon B. Hinckley.  
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31 Defendant admits that the Corporation of the President of The Church of Jesus Christ of Latter-  
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33 day Saints is registered and operates in the State of Washington. Except as expressly admitted  
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35 herein, any other allegations contained in said paragraph are denied.  
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37 6. Answering paragraph 4.2 of Plaintiff's Complaint, Defendant admits that male  
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39 members of the LDS Church may be eligible for ordination to the lay priesthood of the church  
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41 beginning at age 12; admit there are different offices in the priesthood with different  
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43 responsibilities, and that eligible members of the church must meet the standards of worthiness,  
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45 as that term is doctrinally defined by the church, before being ordained into an office of the

1 priesthood. Defendants further admit that the offices of Elder and High Priest (in the  
2 Melchizedek Priesthood), are offices in the lay priesthood of the LDS Church. Except as  
3 expressly admitted herein, any other allegations contained in said paragraph are denied.  
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7 7. Answering paragraph 4.3 of Plaintiff's Complaint, Defendant denies the same.  
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9 8. Answering paragraph 4.4 of Plaintiff's Complaint, Defendant admits that the LDS  
10 Church is and has been for an extended period of time one of many sponsoring organizations of  
11 the Boy Scouts of America. Except as expressly admitted herein, any other allegation contained  
12 in said paragraph is denied.  
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17 9. Answering paragraph 4.5 of Plaintiff's Complaint, Defendant denies the same.  
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19 10. Answering paragraphs 4.6, 4.7, 4.8 and 4.9 of Plaintiff's Complaint, Defendant is  
20 without present knowledge or information sufficient to form a belief as to the truth or falsity of  
21 Plaintiff's allegations and, therefore, denies the same. The allegation that Lewis was a "Mormon  
22 Priest" is expressly denied.  
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27 11. Answering paragraphs 4.10, 4.11, 4.12, 4.13 and 4.14 of Plaintiff's Complaint,  
28 Defendant denies the same.  
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31 12. Answering paragraph 5.1 of Plaintiff's Complaint, Defendant incorporates herein  
32 by reference its responses to Plaintiff's previous allegations, as though fully set forth herein.  
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35 13. Answering paragraphs 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9 and 5.10 of Plaintiff's  
36 Complaint, Defendant denies the same.  
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39 14. Answering paragraph 6.1 of Plaintiff's Complaint, Defendant incorporates herein  
40 by reference its responses to Plaintiff's previous allegations, as though fully set forth herein.  
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43 15. Answering paragraphs 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7 of Plaintiff's Complaint,  
44 Defendant denies the same.  
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1 16. Answering paragraph 7.1 of Plaintiff's Complaint, Defendant incorporates herein  
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3 by reference its responses to Plaintiff's previous allegations, as though fully set forth herein.  
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5 17. Answering paragraph 7.2 of Plaintiff's Complaint, Defendant denies the same.  
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7 18. Answering paragraph 8.1 of Plaintiff's Complaint, Defendant incorporates herein  
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9 by reference its responses to Plaintiff's previous allegations, as though fully set forth herein.  
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11 19. Answering paragraph 8.2 of Plaintiff's Complaint, Defendant denies the same.  
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## 13 II. AFFIRMATIVE DEFENSES 14

15 For further answer, and by way of affirmative defense, defendant alleges as follows:  
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17 1. **Failure to State a Claim.** Plaintiff's Complaint fails, in whole or in part, to state  
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19 a claim upon which relief can be granted.  
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21 2. **No Fiduciary Duty.** Defendant owes no fiduciary duty to Plaintiff.  
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23 3. **Failure to Mitigate Damages.** Plaintiff has failed to mitigate or minimize his  
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25 damages, if any.  
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27 4. **No Proximate Cause.** Plaintiff's damages, if any, were proximately caused by  
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29 the acts or omissions of others over whom Defendant had no control or right of control.  
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31 5. **Contribution.** If liability is established, Defendant is entitled to contribution  
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33 from any party or non-party whose negligence may have contributed as a proximate cause to the  
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35 injury complained of in Plaintiff's Complaint.  
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37 6. **Contributory Fault / Apportionment.** Pursuant to RCW 4.22.070(1), damages  
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39 are to be apportioned according to the relative fault of all at-fault entities. In accordance with  
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41 CR 12(i), Defendant identifies Lewis as an unnamed at-fault party who Defendant claims,  
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43 pursuant to RCW 4.22.070(1), as being at fault. Defendant reserve the right to identify other  
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unnamed or as yet unidentified at-fault entities, if any, once such identity has become known to Defendant.

7. **Statute of Limitations.** Plaintiffs' claims are barred by the statute of limitations.

8. **No Liability for Intentional Misconduct.** Defendant is not liable under the laws of the State of Washington for any damages caused by the intentional misconduct of third parties, and the damages, if any, caused by said third parties must be segregated.

9. **No Vicarious Liability.** Vicarious liability cannot be imposed upon Defendant for any acts or omissions of any other person which are not within the course and scope of their duties as agents for Defendant.

10. **Failure to Join an Indispensible Party.** The Complaint fails to join Lewis, a person needed for just adjudication of the claims set forth in the Complaint, as required by Rule 19 of the Federal Rules of Civil Procedure.

11. **Waiver, Estoppel and Laches.** Plaintiff's claims are barred by the equitable doctrines of waiver, estoppel and laches.

12. **General Denial.** Defendant denies any allegation of Plaintiff's Complaint not addressed by the foregoing responses.

### III. MATTERS OF AVOIDANCE

1. **Freedom of Religion.** To the extent that plaintiffs' claims are based upon these defendants' exercise of their religious beliefs, they are barred by the defendants' rights under the First Amendment to the United States Constitution, and by Article I, Section II, of the Constitution of the State of Washington.

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**IV. RESERVATION**

Defendants hereby reserve the right to assert such further and other affirmative defenses, avoidance, and to otherwise allege, admit, or deny as may be warranted by discovery.

**V. PRAYER FOR RELIEF**

WHEREFORE, defendants pray for judgment as follows:

1. Dismissal. Plaintiff takes nothing by way of his Complaint against Defendant and that the Complaint be dismissed with prejudice;

2. Attorneys Fees and Costs. Defendant be granted its attorneys' fees and costs against plaintiff;

3. Liability. That, pursuant to RCW 4.22.070, if liability were to be established against Defendant, that Defendant be severally liable only for its share of fault, if any (pursuant to RCW 4.22.015); and

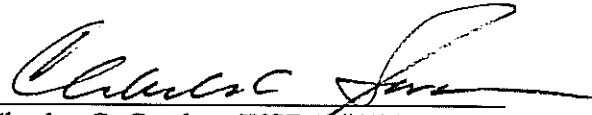
4. Other Relief. That Defendant be given such other and further relief as the Court deems just and equitable.

**VI. JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), defendant The Corporation of the President of the Church of Jesus Christ of Latter-Day Saints respectfully demands a trial by jury.

DATED this 20<sup>th</sup> day of June, 2006.

**GORDON MURRAY TILDEN LLP**

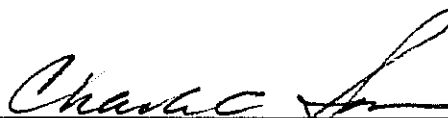
By   
Charles C. Gordon, WSBA #1773  
Jeffrey I. Tilden, WSBA #12219  
Attorneys for Defendant The Corporation of the  
President of the Church of Jesus Christ of  
Latter-Day Saints

**CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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